

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TOMMY LEE JONES,

PLAINTIFF

V.

CAUSE NO. 4:05CV140-P-B

MISSISSIPPI MARINE CORPORATION,

DEFENDANT

FINAL JUDGMENT

Upon due consideration of the file and record of this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated July 8, 2005, was on that date duly served by regular mail upon plaintiff at his last known address and that the plaintiff has filed objections thereto. The plaintiff's objections should be overruled. The plaintiff does not dispute that the EEOC did not receive his claim until 188 days after his claim arose. His assertion that his claim was received 8 days late because of postal error is unavailing because, even if accepted as true, he should not have waited until the last minute to file the claim.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) The Report and Recommendation of the United States Magistrate Judge dated July 8, 2005, is approved and adopted as the opinion of the Court;
- (2) The plaintiff's motions for leave to proceed *in forma pauperis* and for appointment of counsel are denied;
- (3) That plaintiff's Complaint is hereby dismissed with prejudice; and the Clerk shall forthwith **CLOSE** this case.

THIS, the 18th day of August, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE